

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

DEVAL L. PATRICK
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Lieutenant Governor

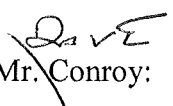
RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

January 13, 2011

David Conroy
Chief, Air Programs Branch
U.S. Environmental Protection Agency, Region 1
5 Post Office Square – Suite 100
Boston, MA 02114-2023

Re: Partial withdrawal of September 21, 2009 Infrastructure Certification for the 2006 PM 2.5 NAAQS


Dear Mr. Conroy:

On September 21, 2009, the Massachusetts Department of Environmental Protection (MassDEP) submitted to your office its certification that the existing Massachusetts State Implementation Plan (SIP) meets the basic (or “infrastructure”) requirements of Sections 110(a) (1) and (2) of the Clean Air Act (CAA) allowing Massachusetts to implement, maintain and enforce the 24-hour National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM 2.5) promulgated on September 21, 2006 (the 2006 PM 2.5 NAAQS).

CAA Section 110(a) (1) provides the procedural and timing requirements for SIPs. Section 110(a) (2) lists the basic elements that all SIPs must contain, including emissions inventories, ambient air quality monitoring and data systems, programs for enforcement of control measures, resources to implement the plan, and provisions to address interstate transport of emissions.

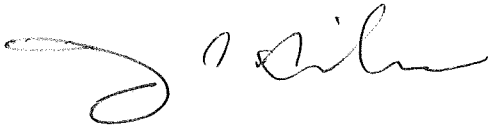
In December 2010, your staff advised us that MassDEP’s certification with respect to the interstate transport element addressed in CAA Section 110(a)(2)(D)(i)(I) lacks the required technical support referenced in EPA’s “*Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-Hour Fine Particle (PM 2.5) NAAQS.*” (The Guidance was issued on September 25, 2009, while states were required to submit their certifications by September 21, 2009.)

Furthermore, in its certification MassDEP relied on the adoption and implementation of 310 CMR 7.32, the Massachusetts Clean Air Interstate Rule, to address Massachusetts' contribution to downwind nonattainment areas. However, subsequent modeling that EPA conducted for its August 2, 2010 proposed Transport Rule (75 FR 45210) demonstrates that emissions from Massachusetts contribute to nonattainment or interfere with maintenance of the 2006 24-hour PM 2.5 standard in downwind areas.

Therefore, we are withdrawing that section of our September 21, 2009 infrastructure certification that relates to interstate transport and CAA Section 110(a)(2)(D)(i)(I) (found at page 7 of our certification). We anticipate that Massachusetts' contribution to interstate transport will be addressed when EPA finalizes the Transport Rule in mid-2011.

Thank you for your consideration of this partial withdrawal of the Massachusetts Infrastructure Certification for the 2006 PM 2.5 NAAQS. Please contact Eileen Hiney, Air Planning Branch Chief, at 617-292-5520 if you have any questions concerning this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "N. Seidman", with a large, stylized initial "N" and a long, sweeping underline.

Nancy L. Seidman
Deputy Acting Commissioner for Climate Strategies

cc
James C. Colman, MassDEP